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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/890,702	01/09/2002	Claudio Cabano	33835	6219

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EXAMINER	
SHARMA, SUJATHA R	

ART UNIT	PAPER NUMBER
2618	

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/890,702	CABANO ET AL.	
	Examiner	Art Unit	
	Sujatha Sharma	2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32 and 34-47* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32 and 34-47* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4,10-15,29-32,34-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli [US 2004/0002348] in view of Will [US 6,721,410].

Regarding claims 1, Fraccaroli discloses a mobile communication matching system. Fraccaroli further discloses a method to find members of a common interest group with a mobile device, wherein:

- at least one database is built in which a plurality of interest groups are stored, these interest groups comprising users of terminals, the database being stored in at least one server accessible from within a radio network; See paragraphs 10,14,27-29 and 38
- a message being sent to at least one member if he is in the vicinity of another member of a common interest group. See paragraphs 10, 57,58 and 59

Fraccaroli, however does not disclose a method wherein said message includes graphical image information to enable the visual identification of the another of said members by the one of said members when the one of said members has never seen the another of said members.

Will, in the same field of endeavor (i.e. in the computing environment where hand-held devices also have browsing capabilities), teaches a method of recursive identification of

individuals for casual collaborative conferencing. Will further teaches a method of retrieving user information that includes graphical image information to enable the visual identification of the another of said members by the one of said members when the one of said members has never seen the another of said members. See Fig. 2, 5 and col. 3, line 51 – col. 4, line 26.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Will to Fraccaroli in order to allow the user A who believes that he/she shares common interest with user B to engage in collaborative conferencing of user A with user B.

Regarding claim 2, Fraccaroli further discloses a method wherein location determining means are provided that monitor the location of a plurality of members, and wherein said message is prepared by said server if it recognizes on the basis of the results of said location determining means that two members of the same interest group are in each other's vicinity. See paragraphs 10,14,27-29,38, 57-59.

Regarding claim 3, Fraccaroli further discloses a method wherein said location determining means determine the location of members through signals from a location determining satellite. See paragraph 37.

Regarding claim 4, Fraccaroli discloses a method wherein said location determining means determine the location of members through signals from a plurality of base stations in the radio network. See paragraph 36.

Regarding claims 10,11 Fraccaroli discloses a method wherein the user controls the triggering of the communication between the users . See paragraphs 51, 54.

Regarding claim 12, Fraccaroli further discloses a method wherein at least certain mobile devices contain a close-range contactless interface, and wherein these mobile devices send said message over said contactless interface as soon as they find another mobile device in the vicinity belonging to a member of a common interest group. See paragraphs 8,59.

Regarding claims 13-15, Fraccaroli further discloses a method wherein the member can self-register in an interest group with their mobile devices. See paragraph 49.

Regarding claims 29,30, Fraccaroli discloses a method of one of the preceding claims, wherein the maximum distance between the members of a common interest group is determined by the manager or said member of said interest group in order to send said message. See paragraph 51,54.

Regarding claims 31,32 Fraccaroli discloses a method wherein certain members temporarily prevent messages from being sent to them about the presence of members of common interest groups. See paragraphs 51,54.

Regarding claim 34, Fraccaroli further discloses a method wherein said message contains the telephone number of said nearby member. See paragraph 57.

Regarding claims 35,36, Fraccaroli further discloses a method wherein said telephone number is not displayed. See paragraph 58.

Regarding claims 37,39 Fraccaroli further discloses a method wherein said message contains an identification of said participant that is necessary for a connection over the close-range contactless interface. See paragraphs 8,59.

Regarding claim 38, Fraccaroli further discloses a method wherein said close-range contactless interface is a Bluetooth interface. See paragraph 8, 59.

Regarding claims 40,42 Fraccaroli discloses a mobile communication matching system. Fraccaroli further discloses a method to find members of a common interest group with a mobile device, wherein:

- at least one database is built in which a plurality of interest groups are stored, these interest groups comprising users of terminals, the database being stored in at least one server accessible from within a radio network; See paragraphs 10,14,27-29 and 38
- location determining means that two members of the same interest group are in each other's vicinity. See paragraphs 10,14,27-29,38, 57-59.
- means for determining pre-defined distance between the members of a common interest group in order to send said message. See paragraph 51,54.

- a message being sent to at least one member if he is in the vicinity of another member of a common interest group if they are within the pre-determined distance. See paragraphs 10, 57,58 and 59

Fraccaroli, however does not disclose a method wherein said database includes graphic image information for some users and the message includes graphical image information to enable the visual identification of the another of said members by the one of said members when the one of said members has never seen the another of said members.

Will, in the same field of endeavor (i.e. in the computing environment where hand-held devices also have browsing capabilities), teaches a method of recursive identification of individuals for casual collaborative conferencing. Will further teaches a method of retrieving user information that includes graphical image information to enable the visual identification of the another of said members by the one of said members when the one of said members has never seen the another of said members. See Fig. 2, 5 and col. 3, line 51 – col. 4, line 26.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Will to Fraccaroli in order to allow the user A who believes that he/she shares common interest with user B to engage in collaborative conferencing of user A with user B.

Regarding claim 43, Fraccaroli further discloses a method wherein the message criterion is an acceptable time period. See paragraphs 14,54.

Regarding claims 44,45 Fraccaroli further discloses a method wherein said message criterion is an acceptable location. See paragraph 14.

Regarding claims 46,47, Fraccaroli further discloses a method wherein said message criterion is a permission provided by the another of said members to send/ receive said message. See paragraphs 57,59.

3. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli [US 2004/0002348] in view of Will [US 6,721,410]

Regarding claims 5-7, Fraccaroli and Will disclose a method wherein said message is sent as a message signal. See paragraphs 57-59.

However they do not explicitly disclose a method wherein the message is sent as a SMS or USSD or a GPRS message.

However, these are standard protocols that are well known in the art for message delivery.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to use one of these standard protocols available for delivering messages.

1. Claims 8,9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli [US 2004/0002348] and Will [US 6,721,410] in view of Jones [US 6,763,300].

Regarding claims 8,9, Fraccaroli as treated in claim 1, discloses all the limitations as claimed. He further discloses a method wherein the handset has browsing capability. However he does not

explicitly disclose a method wherein the said message between the users is an IP packet or an email message.

Jones, in the same field of endeavor, teaches a method wherein the said message between the users is an IP packet or an email message. See col. 35, lines 22-35 and lines 55-56.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Jones to modified Fraccaroli in order to provide enhanced services to the user.

2. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli [US 2004/0002348] and Will [US 6,721,410]in view of Sautter [US 6,233,248].

Regarding claim 16, Fraccaroli and Will disclose all the limitations as claimed. However they do not disclose a method wherein the member can register with a voice message.

Sautter, in the same field of endeavor, teaches a method where the user can register using voice contact. See col. 36, lines 23-29.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Sautter to modified Fraccaroli since it is advantage of forming conference calls thus providing enhanced services to the user.

3. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli [US 2004/0002348] and Will [US 6,721,410] in view of Mysore[US 6,304,558].

Regarding claim 17, Fraccaroli and Will disclose all the limitations as claimed. However he does not disclose a method wherein the members can register with an interest group by Internet.

Mysore, in the same field of endeavor, teaches a method where the user can register using Internet. See col. 4, lines 49-61.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Sautter to modified Fraccaroli since it has the advantage of forming chat room/ talk group thus providing enhanced services to the user.

4. Claim 18-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli [US 2004/0002348] and Will [US 6,721,410] in view of Albanese [US 6,002,768].

Regarding claim 18, Fraccaroli and Will disclose all the limitations as claimed. However they do not disclose a method wherein third parties register members with an interest group.

Albanese, in the same field of endeavor, teaches a method wherein third parties register members with an interest group. See col. 1, lines 55-59, col. 4, lines 1-37, col. 5, lines 15-67, col. 9, lines 27-36

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Albanese to modified Fraccaroli in order to provide a communication session in a decentralized manner.

Regarding claims 19,20 Albanese further discloses a method wherein membership with a group is certified. See col. 1, lines 55-59, col. 4, lines 1-37, col. 5, lines 15-67, col. 10, lines 20-55

Regarding claims 21,22 Albanese discloses a method wherein third parties file a registration certificate in said database. See col. 5, lines 15-67

Regarding claims 23,24 Albanese further discloses a method wherein at least certain members are only registered temporarily in an interest group. See col. 11, lines 61-64

Regarding claim 25, Albanese further discloses a method wherein said database is managed by the operator of said radio network, and wherein the registration with a group and/or the sending of said message is billed by said operator. See col. 9, lines 44-62

Regarding claim 26, Albanese further discloses a method wherein said database is managed by third parties. See col. 1, lines 55-59, col. 4, lines 1-37, col. 5, lines 15-67, col. 10, lines 20-55

Regarding claim 27, Albanese further discloses a method wherein said message is electronically signed. See col. 7, lines 5-35.

Regarding claim 28, Albanese further discloses a method wherein said message is electronically encrypted. See col. 7, lines 5-35.

5. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fraccaroli [US 2004/0002348] and Will [US 6,721,410] in view of Biliris [US 6,047,272].

Regarding claim 41 Fraccaroli and Will disclose a mobile communication matching system. Fraccaroli further discloses a method to find members of a common interest group with a mobile device, wherein:

- at least one database is built in which a plurality of interest groups are stored, these interest groups comprising users of terminals and said, the database being stored in at least one server accessible from within a radio network; See paragraphs 10,14,27-29 and 38
- a message containing physical identification characteristics being sent to at least one member if he is in the vicinity of another member of a common interest group. See paragraphs 5,10, 57,58 and 59

Fraccaroli, however does not disclose a method wherein said database includes graphic image information for some users and the message includes graphical image information to enable the visual identification of the another of said members by the one of said members when the one of said members has never seen the another of said members.

Will, in the same field of endeavor (i.e. in the computing environment where hand-held devices also have browsing capabilities), teaches a method of recursive identification of individuals for casual collaborative conferencing. Will further teaches a method of retrieving user information that includes graphical image information to enable the visual identification of

the another of said members by the one of said members when the one of said members has never seen the another of said members. See Fig. 2, 5 and col. 3, line 51 – col. 4, line 26.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teachings of Will to Fraccaroli in order to allow the user A who believes that he/she shares common interest with user B to engage in collaborative conferencing of user A with user B.

However, Fraccaroli and Will fail to disclose a method of billing a party for said sending of said message.

Biliris, in the same filed of endeavor, teaches a method of billing a sending party for the initiated connection. See col. 3, lines 59 – col. 4, line 2.

Therefore it would have been obvious to one with ordinary skill in the art at the time the invention was made to provide the above teaching of Biliris to modified Fraccaroli to provide enhanced billing and routing of messages.

Response to Arguments

6. Applicant's arguments with respect to claims 1-32 and 34-47 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sujatha Sharma whose telephone number is 571-272-7886. The examiner can normally be reached on Mon-Fri 7.30am - 4.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew D. Anderson can be reached on 571-272-4177. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Sujatha Sharma
June 7, 2006

Matthew D. Anderson
Supervisory Patent Examiner